



U.S. ARMY CORPS OF  
ENGINEERS, DETROIT DISTRICT  
**CONTINUING  
AUTHORITIES  
PROGRAM GUIDE**

November 2003

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Locations of Corps Division Headquarters & Boundaries

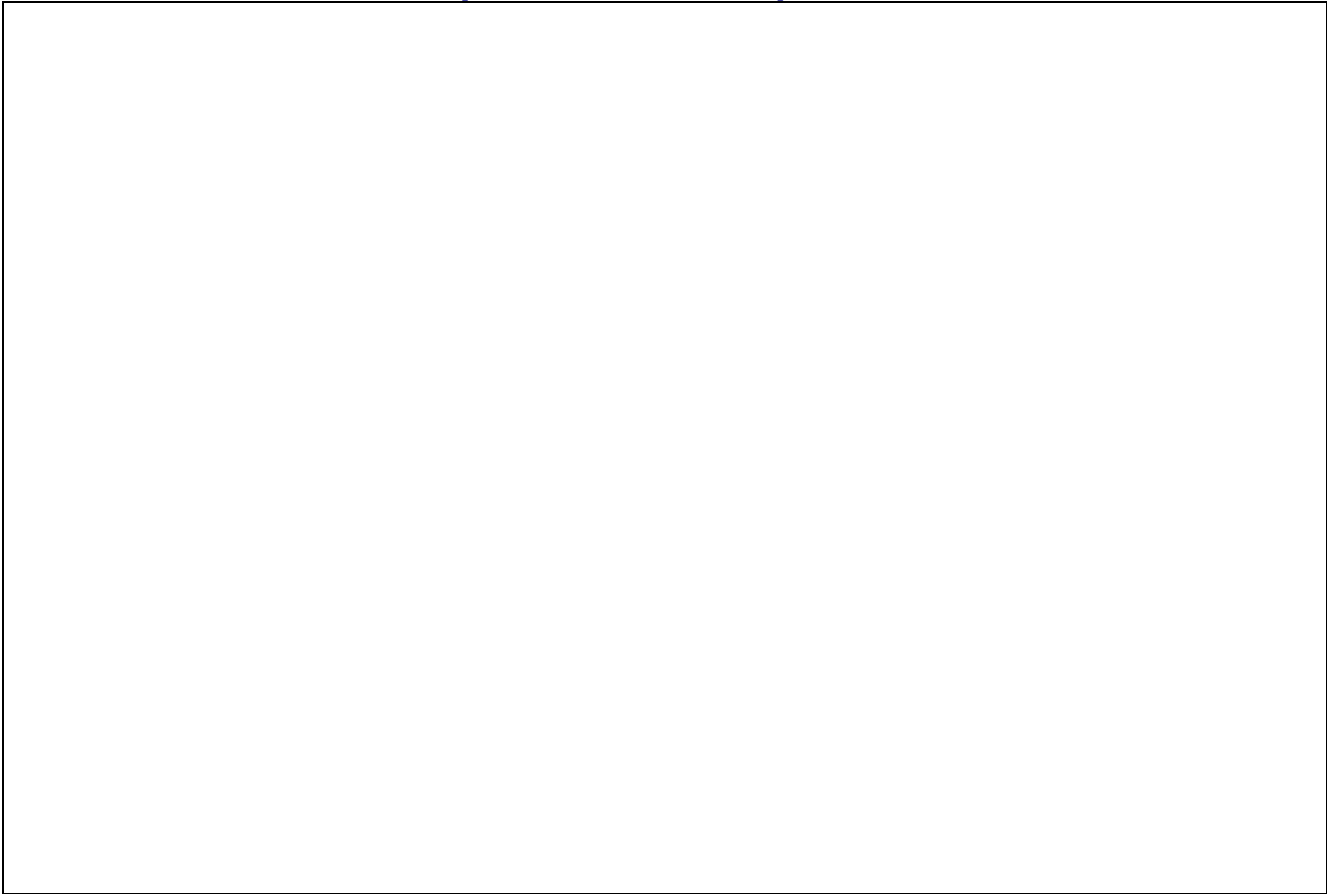
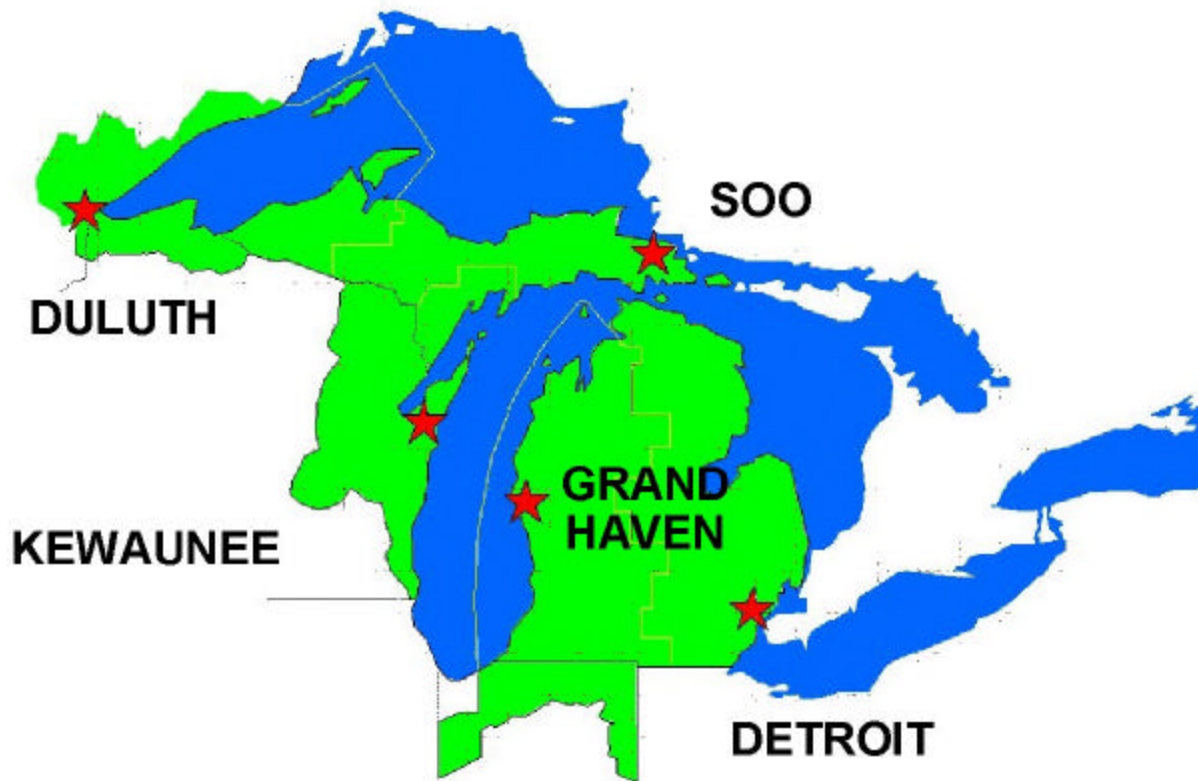


Figure 1



Figure 2

## The Detroit District Areas of Operation & Area Office Locations



### DETROIT DISTRICT AREA OFFICES

*Figure 3*

***Team Detroit – a full-spectrum engineer force of high quality, dedicated soldiers and civilians – will deliver world-class engineering and construction solutions for national security, environmental sustainability and economic vitality, water-resource management and emergency assistance throughout the Great Lakes Region and wherever the Army needs us. We are a vital part of the U.S. Army Corps of Engineers, the world's premier public engineering organization. Trained and ready, we are here to serve and respond to our nation's needs in peace and war.***



## Introduction

Many know that the U.S. Army Corps of Engineers builds and maintains water resources projects. Perhaps not so well known is that the Corps is also there to assist States, Indian Tribes and local governments prepare plans and initiate actions to manage their own local water and water related land resources.

This document is designed to introduce you to three of the United States Army Corps of Engineer's most effective and efficient small projects programs:

- **The Continuing Authorities Programs**
- **Flood Plain Management Services**
- **Planning Assistance to States**

This brochure sets out to explain what each of these programs are and what may be accomplished using them, including outlines of the types of information, technical services, and planning guidance such programs provide in order to help others help themselves.

Also provided are tools you will need to request assistance from the Detroit District U.S. Army Corps of Engineers, including mailing addresses and phone numbers, as well as sample letters to request assistance. We stand ready to assist with your questions or concerns. On the last page of this document are worldwide web-based tools to enable you to learn more or contact program representatives by electronic mail.

## U.S. Army Corps of Engineers Overview

The U.S. Army Corps of Engineers is the Nation's oldest and largest water resources development agency. Congress assigned the Corps this civil works responsibility in an effort to conserve the Nation's most vital natural resources.

In 1824, the Corps began its water resources program when Congress, for the first time, appropriated money for improving river navigation. Since that time the U.S. Army Corps of Engineers has been involved in improving commercial navigation and reducing flood damage. Along with these primary missions, the Corps generates hydropower, supplies water to cities and industry, regulates development in navigable waters, controls beach erosion, as well as constructing and managing recreation facilities. Today, the U.S. Army Corps of Engineers manages nearly 2,000 water resources projects including:

- ?? **Navigation**
- ?? **Flood Damage Reduction**
- ?? **Hydroelectric Power**
- ?? **Fish and Wildlife Conservation**
- ?? **Environmental Quality**
- ?? **Recreation**
- ?? **Water Supply**

Each of these activities requires careful coordination of many interests, including consideration of environmental impacts.

The U.S. Army Corps of Engineers has 47 Division and District offices located throughout the United States and overseas. Our Division and District boundaries are established by the watersheds we serve, rather than by state boundaries. The Detroit District boundaries are shown on the accompanying maps (see Figure 3, page 6). Each of these Division and District offices offer designated coordinators for the Continuing Authorities Program, Flood Plain Management Program, and Planning Assistance to States Program. These Coordinators are responsible for drawing on the planning and technical resources of the U.S. Army Corps of Engineers to provide a full range of services and guidance on water resources related matters to our customers; States, local governments, other non-Federal entities and Indian Tribes.

## The Detroit District, U.S. Army Corps of Engineers

The Detroit District, established in 1841, covers 82,000 square miles of land inhabited by about 14 million people. The District is responsible for 4,000 miles of Great Lakes shoreline with a major mission of investigation, planning, design, construction, operations and maintenance of Congressionally authorized water resource projects related to navigation, flood control, beach erosion. Our work does not stop there however. The District operates and maintains the World Famous Soo Locks, located at Sault Ste. Marie Michigan, as well as 102 harbors on Lakes Superior, Michigan, Huron, St. Clair and the State of Michigan portion of Lake Erie. This District manages the Great Lakes Water Control Data System, making it the Corps of Engineers center for hydrometeorologic and water level data collection and dissemination for the Great Lakes system (water level forecast). As we move into the 21st Century, we stand ready to work with our customers to provide the best service possible to the people of the Great Lakes and wherever the nation needs us.

If you're looking for a partnering agency to help you with an engineering project, we are ready to assist you. In this brochure you will find information on many of the project types available as well as information to guide you through the application or inquiry process.

In addition to the projects discussed in this brochure, the Detroit District offers the following products and services:

- ✂✂ **Project Management**
- ✂✂ **Contracting Services**
- ✂✂ **Technical Assistance**
- ✂✂ **Planning Assistance**
- ✂✂ **Environmental Services**
- ✂✂ **Emergency Management Services**
- ✂✂ **Water Resources Assistance/Advice**
- ✂✂ **Real Estate Services**
- ✂✂ **Construction Management Services**
- ✂✂ **Permit Review and Issuance (Regulatory)**

As an integral part of the U.S. Army Corps of Engineers, the Detroit District is fully equipped to provide world-class expertise through our extensive network of:

- ✂✂ **People (35,000 experienced personnel located worldwide)**
- ✂✂ **Technical Expertise with Cradle to Grave Project Management**
- ✂✂ **Nationally Recognized Research & Development (Laboratories)**
- ✂✂ **Private Sector Contractors**
- ✂✂ **World Class Experience**
- ✂✂ **Wide Range of customers and partners, including other Federal and State Agencies**

## Specifically Authorized Water Resource Projects (Flooding, Navigation Restrictions, & Shore Erosion)

The U.S. Army Corps of Engineers undertakes studies of water and related land resources problems in response to directives, called "authorizations," from the United States Congress. Congressional authorizations are contained in public laws or in resolutions of either the House Transportation and Infrastructure Committee or the Senate Environment and Public Works Committee. Study authorities are either unique, study-specific authorities or smaller programs initiated through standing program authorities discussed later in this document. Studies specifically authorized by Congress are normally required for large scale, complex water resources problems. The process for this larger more complex study is described in the following paragraphs.

## Six Major Steps in Planning, Design and Implementation of Water Resources Projects:

**1. Problem Perception:** Local citizens or government perceive or experience a water resources problem such as flooding, shore erosion, navigation restrictions, etc., that is beyond the ability of local government to solve.



**2. Request for Federal Action:** Local government officials contact their Congressman/Congresswoman or Senator to request a study authorization.

**3. Study Program and Report Preparation:** In addition to authorizing the study, Congress must also appropriate funds for it. This is normally done as a result of the study being included in the President's Budget. This process can require 18-36 months. Once funded, the Corps conducts a feasibility study, also called a "pre-authorization study," using a two-phased planning process discussed later in this booklet.

**4. Report Review and Approval** - Feasibility studies are documented in a report, which is submitted to Corps Headquarters in Washington for review to determine if the report recommendations are in accordance with current Administration policies. After completion of the feasibility phase, detailed design of the recommended project begins. This phase is called "Pre-construction Engineering and Design" and is cost shared with the local entity in the same proportion as the project. This phase concludes with the preparation of detailed construction drawings and specifications often called "plans and specs".

**5. Congressional Authorization:** Following a successful review and coordination with the United States Office of Management and Budget, the Assistant Secretary for the Army for Civil Works transmits the report to Congress who must then authorize (allocate funds for) the recommended project in a Water Resources Development Act.

**6. Project Implementation:** Once the project has been authorized by Congress and "plans and specs" are complete, construction of the project may begin. For most water resources project purposes, construction costs are shared between the Federal government and a non-Federal sponsor. Prior to construction, a Project Cooperation Agreement must be signed which clearly defines the responsibilities of both parties. In some cases, following completion of the project the non-Federal sponsor will be responsible for maintaining the project.

## Two-Phase Planning Process for Specifically Authorized Projects

Studies of water resources problems are conducted in two phases, the reconnaissance phase, (generally completed in 9-12 months), and the feasibility phase, (generally completed in 24-36 months depending on the complexity of the problem).

The purpose of the reconnaissance phase is to decide whether planning should continue into the feasibility phase, determine the potential non-Federal sponsor's interest and support for the potential solutions, and to estimate the time and cost for completing the feasibility phase.

The purpose of the feasibility phase is to describe and evaluate alternative plans and to fully describe a plan to be recommended to Congress for authorization. Feasibility phase investigations must be cost-shared equally between the Corps and a non-Federal sponsor such as a City, County, or a State agency. Up to one-half of the non-Federal share may consist of in-kind services instead of cash. As stated before, Federal and non-Federal sponsors sign a Feasibility Cost-Sharing Agreement which clearly details the agreed upon responsibilities of both parties. Smaller, less complex problems are best addressed by one of the standing program authorities discussed in later sections of this booklet.

## Planning Process for Continuing Authorities Program Projects

Our process for studying proposed Continuing Authorities and environmental restoration projects is as follows:

- ✍✍ A State, county or city submits a request to the Corps of Engineers for investigation of a water resource problem. (Sample letters of application are shown in later sections of this booklet).
- ✍✍ After the Corps receives the application, we conduct an initial assessment of the problem. This may include a visit with the local sponsor to determine the extent and nature of the problem, and whether study by the Corps is warranted. If justified, planning will proceed with the sponsor as a member of the team. If it is not feasible, the Corps of Engineers notifies the sponsor that it cannot provide assistance. *The initial assessment is at 100% Federal expense.*

**The study process under Section 103, 107, 111, and 205,** consists of one planning phase, "feasibility". The feasibility phase consists of a study and preparation of a Detailed Project Report (DPR). The feasibility phase is 100% federally financed up to \$100,000. The local sponsor share of the feasibility study is 50% of all costs in excess of \$100,000. After the study begins, an early milestone will be to determine if further study is warranted. This evaluation

will use existing information and professional judgment to estimate average annual damages, idea of Corps-type solution, potential benefits and the likelihood of being able to solve the problem with average annual benefits that exceed an average annual cost to take action. Some of this information, if not already available in the Detroit District, must be obtained from the prospective project sponsor. If required based on the evaluation results, the Detroit District will request additional funds upon receipt of the project sponsor's letter acknowledging understanding of the requirements for local cooperation and stating the project sponsor's intent to cost share. If the funding request puts total feasibility costs in excess of the fully Federal limit of \$100,000, a negotiated Feasibility Cost Sharing Agreement (FCSA) must be developed and a letter of intent (LOI) must be submitted by the project sponsor, prior to proceeding with the planning phase.

The purpose of the feasibility report (DPR) is to accomplish the following:

- ?? Describe the problems and needs of the area;
- ?? Determine whether there is Federal interest in participating in the solution to identified problem(s);
- ?? Identify and recommend the best solution for identified problems;
- ?? Confirm or deny interest in Corps implementation of a candidate project;
- ?? Develop project design as a basis for preparing plans and specifications; and produce a draft project cooperation agreement (PCA) with the local project sponsor to share project implementation responsibilities, including costs. A written expression of willingness by the local sponsor to cost share in the project is required to accompany the Corps of Engineers' Final Detailed Project Report and budgetary requests.

**The process under Section 14 and 208** consists of a single study and design phase referred to as "Planning & Design Analysis" (PDA) phase. The PDA phase under these two authorities consists of all planning and design activities required to demonstrate the Federal participation in a project is warranted. The Corps completes all activities required to award the construction contract. The PDA phase is conducted with 100% Federal funds up to \$40,000. Funds in excess of \$40,000 are shared on a 65% Federal and 35% non-Federal basis.

**The study process under Section 1135(b), Section 204, and Section 206** consists of one planning phase (feasibility). Prior to initiating the feasibility phase, an initial assessment is conducted. The initial assessment is to present sufficient information and rationale for determining that a feasibility study is warranted, by presenting a potential solution(s) and evidence of economic justification. Initial assessment is 100% federally financed. If a potential viable project exists, findings would be presented in a limited report referred to as a Preliminary Restoration Plan (PRP). The purpose of the preliminary restoration plan is to accomplish the following:

- ?? Identify project features or function to be modified;
- ?? Outline nature and scope of the identification; and
- ?? Discuss the importance and potential magnitude of the ecosystem being restored.

Upon approval of the PRP, funds to initiate the feasibility phase will be requested. The feasibility phase consists of a study and report, Project Modifications Report (PMR) for Section 1135(b), Ecosystem Restoration Report (ERR) for Section 204 and Aquatic Restoration Report (ARR) for Section 206. The PMR/ERR/ARR must show that the proposed modification/project has tangible and intangible benefits (monetary and non-monetary) that exceed tangible and intangible costs. The report should indicate that economic benefits from the proposed modification/project are associated primarily with the improvement to fish and wildlife resources, and/or ecosystem restoration by use of suitable dredged material (in case of Section 204). For projects with an estimated Federal share (including planning, design, & construction) of \$1,000,000 or less, no feasibility phase will be conducted. The preliminary restoration plan would become the basis to initiate the Planning and Design Analysis (PDA).

Following approval of the Feasibility Report, the Corps prepares plans and specifications for a construction contract. Prior to project construction, a formal Project Cooperation Agreement will need to be signed by the local project sponsor. This agreement is a contractual commitment between the local sponsor and the Corps stipulating the items to be fulfilled by the local sponsor to enable project construction. A project will not be recommended for funding unless the District Engineer is fully satisfied that the local sponsor understands its responsibilities and that it is legally responsible, financially capable, and willing to cooperate to the necessary degree.

Once funds are allocated and the sponsor provides the local contribution (lands, easements, cash, etc.), the Detroit District advertises the project for competitive bids, awards a contract, and supervises construction of the project.

## The Continuing Authorities Program Overview



As discussed earlier in this brochure, at the request of local interests the U.S. Army Corps of Engineers may assist in developing and implementing solutions to both large and small water resources problems one of two types of Congressional authorities.

✍✍ Water Resource problems, which are large in scope require specific Congressional authorization (funding lines in the President's Budget)

✍✍ Water resource problems that are small in scope may be handled through the Continuing Authorities Program.

The Continuing Authorities Program (CAP) is managed by the Corps of Engineers and allows the Corps to respond more quickly than is possible through the specific Congressional authorization process. This is because Congress has delegated to the Corps general authority to study and, if proven feasible, approve and construct certain water resources development projects.

The CAP is comprised of nine (9) different types of projects, each with its own project authority and strict limit on the Federal contribution. As those studies with favorable results progress towards more detailed design and construction, certain project costs must be shared with the local sponsor, including any and all costs in excess of Federal project limits. It is for this reason the local sponsor must be a non-Federal entity with the power to raise revenue sufficient to satisfy requirements of local cooperation.

## Summary Chart of Continuing Authorities Program Options

Project	Authority	Initial Federal Limit *	Implementation Cost Share Federal/Non-Fed	Federal Project Limit
Flood Control Projects	Section 205 1948 Flood Control Act, as Amended	\$100,000	65% /35%	\$7M
Emergency Streambank & Shoreline Protection	Section 14 1946 Flood Control Act, as Amended	\$40,000	65% /35%	\$1M
Snagging & Clearing for Flood Control	Section 208 1954 Flood Control Act, as Amended	\$40,000	65% /35%	\$500K
Small Navigation Projects	Section 107 1960 River & Harbor Act, as Amended	\$100,000	Shallow Draft Harbors: 80% /20% Deep Draft Harbors: 65%/35% Recreation Harbors: 50%/50%	\$4M
Small Hurricane & Storm Damage Reduction Projects (Beach Erosion)	Section 103 1962 River & Harbor Act, as Amended	\$100,000	65% /35%	\$3M
Mitigation of Shore Damage Attributable to Navigation Works	Section 111 1968 River & Harbor Act, as Amended	\$100,000	65% /35%	\$5M
Project Modifications for Improvements to the Environment	Section 1135 1986 Water Resources Development Act, as Amended	\$10,000	75% /25%	\$5M
Ecosystem Restoration Projects in Connection with Dredging	Section 204, Water Resources Development Act, as Amended	\$10,000	75% /25%	Not Applicable
Aquatic Ecosystem Restoration & Protection	Section 206, Water Resources Development Act, as Amended	\$10,000	65% /35%	\$5M

*\* Costs beyond the Initial Federal Limit are subject to cost sharing.*

**FIGURE 4**

## Summaries of The Nine Authorities



### **Flood Control (Section 205)**

Work under this authority provides for local protection from flooding by the construction or improvement of flood control works such as levees, channels, and dams. Non-structural alternatives are also considered and may include measures such as installation of flood warning systems, raising and/or flood proofing of structures, and relocation of flood prone facilities.



### **Emergency Streambank and Shoreline Protection (Section 14)**

Work under this authority is intended to prevent erosion damages to highways, bridge approaches, public works, and other non-profit public facilities by the emergency construction or repair of streambank and shoreline protection works.



### **Snagging and Clearing for Flood Control (Section 208)**

Work under this authority provides for local protection from flooding by channel clearing and excavation, with limited embankment construction by use of materials from the clearing operation only



### **Small Hurricane and Storm Damage Reduction Projects (Section 103)**

Work under this authority provides for protection or restoration of public shorelines by the construction of revetments, groins, and jetties, and may also include periodic sand replenishment.



## Summaries of The Nine Authorities (Continued)



**Mitigation of Shore Damages (Section 111)** Work under this authority provides for the prevention or mitigation of erosion damages to public or privately owned shores along the coastline of the United States when these damages are a result of a Federal navigation project. This authority cannot be used for shore damages caused by riverbank erosion or vessel-generated wave wash. It is not intended to restore shorelines to historic dimensions, but only to reduce erosion to the level that would have existed without the construction of a Federal navigation project. Cost sharing may not be required for this program. If the Federal cost limitation is exceeded, specific Congressional authorization is required.



**Small Navigation Projects (Section 107 1960 River & Harbor Act, as Amended)** The Corps of Engineers may construct river and harbor improvements projects not specifically authorized by Congress when they will result in substantial benefits to recreation and commercial navigation. The federal share in such projects may not exceed \$4,000,000. Each project must be complete by itself and not commit the United States to any additional improvement to ensure successful operation.



**Project Modifications for Improvements of the Environment (Section 1135)** Work under this authority provides for ecosystem restoration through modification to Corps structures or operation of Corps structures or implementation of restoration features when the construction of a Corps project has contributed to degradation in the quality of the environment.



## Summaries of The Nine Authorities (Continued)



### **Ecosystem Restoration Projects in connection with dredging (Section 204)**

Work under this authority provides for protection, restoration, and creation of aquatic and wetland habitats in connection with construction and maintenance dredging of an authorized project.



### **Aquatic Ecosystem Restoration and Protection (Section 206)**

Work under this authority provides for the restoration and protection of aquatic ecosystems if the project will improve the environment and is in the public interest.

## How the Detroit District Will Respond to Your Requests

Once your letter asking for assistance is received in the District, funds are requested from Headquarters to begin the planning process. When funds are received in the Detroit District, a project team is formed to identify problems, formulate and evaluate alternatives, and determine the optimal solution. Your representative(s) will be invited to participate on the project team. Prior to approval and construction, the team must answer four important questions favorably.

### 1. Is the solution feasible from an engineering standpoint?

Thorough analyses of engineering considerations are always made, including soils, seismic, hydrologic and hydraulic, structural design, and materials availability. At this stage, alternatives presenting serious technical problems are usually eliminated from consideration.

### 2. Is the solution economically justifiable?

Economic justification requires that a project must have more benefits than costs. In cases involving ecosystem restoration projects, the unit cost for the environmental benefits must be reasonable. With few exceptions, all Federal Civil Works projects must be economically justified.

### 3. Is the solution environmentally sound?

Environmental analysis involves a thorough review of environmental conditions and the impact that construction would have in the area. In general, adverse impacts must be mitigated and the cost of mitigation is included in project implementation costs. In keeping with sound environmental principles, an environmental assessment is required for all Continuing Authorities Projects.

### 4. Are local authorities willing and able to share in costs of planning and construction as required by Congress?

If a feasible solution is identified and the project advances, the local authorities may be required to provide certain items of local cooperation. These items include funds for project planning and construction, as well as all lands, easements, rights-of-way, relocations of utilities, streets, highways, bridges, buildings, storm drains, other structures and improvements as well as disposal areas. Specific cost-sharing regulations will be discussed with the local sponsor early in the planning process.

## How and Where to Request Assistance

Assistance through the Continuing Authorities Program (CAP) begins with a request from a responsible local sponsor such as a city council, county board of supervisors, director of public works, flood control agency, or environmental organization.

To request assistance, contact the Detroit District in any of the following ways:

### Visit our Web Site:

<http://www.lre.usace.army.mil/>

### You may write to:

U.S. Army Corps of Engineers  
Detroit District (7<sup>th</sup> Floor)  
ATTN: District Engineer  
477 Michigan Avenue  
Detroit, MI 48226-2575

OR

U.S. Army Corps of Engineers  
Detroit District (7<sup>th</sup> Floor)  
ATTN: Chief, Planning Division  
477 Michigan Avenue  
Detroit, MI 48226-2575

### You may telephone:

Chief, Planning Division, (313) 226-7762

OR

Customer Outreach Specialist (313) 226-6773

**Or you may email the District: [Planning@LRE02.usace.army.mil](mailto:Planning@LRE02.usace.army.mil)**

**CONTINUING AUTHORITIES  
PROGRAM  
EXTENDED EXPLANATIONS  
&  
SAMPLE LETTERS OF REQUEST  
FOR ASSISTANCE**

# Flood Control Projects

## Section 205 of the 1948 Flood Control Act

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### Authority and Scope

Section 205 of the 1948 Flood Control Act, as amended, provides authority for the Corps of Engineers to develop and construct small flood control projects. A project is adopted for construction only after detailed investigations clearly show the engineering feasibility and economic justification of the improvement. Each project is limited to a Federal cost share of not more than \$5M. This Federal limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision and administration. There is a requirement in Engineering regulation (ER) 1105-2-100, page 3-12 that Water damage problems may be addressed, under flood damage reduction authorities, downstream from the point where the flood discharge is greater than 800 cubic feet per second for the 10 percent flood, under conditions expected to prevail during the period of analysis."

### How to Request Assistance

The Corps can initiate an investigation of a prospective small project upon receipt of a request from a sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

### Division of Work Responsibility

The Federal flood control project alleviates major flooding problems by means of reservoirs, local protection works, or by combinations of both. A local protection project may consist of one or more of the following activities: channel enlargement, realignment or paving; obstruction removal; levee and wall construction; and bank stabilization. The Corps would oversee project construction. Maintenance and operation of the project would be the responsibility of the local sponsor. Relocation of utilities and alterations of buildings, utilities, highways, bridges and special facilities are entirely local responsibilities to be accomplished at the sponsor's expense. The sponsor must also provide all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction of the project.

### Cash Contribution

The sponsor must contribute 5 percent of the total project cost in cash. If the value of lands, easements, rights-of-way, relocations, and disposal areas plus the cash contribution do not equal or exceed 36 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost.

### Local Cooperation

Formal assurance of local cooperation [Project Cooperation Agreement (PCA)] must be executed with the sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurance and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- ✍✍ Provide without cost to the United States all lands, easements, rights-of-way, relocations, and disposal areas necessary for the construction and subsequent operation and maintenance of the project.
- ✍✍ Provide without cost to the United States all necessary alterations of buildings, utilities, highways, bridges, sewers and related and special facilities.
- ✍✍ Hold and save the United States free from damages due to the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- ✍✍ Maintain and operate the project works after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- ✍✍ Prevent future encroachment which might interfere with proper functioning of the flood control project.

- ✍ ✍ Assume responsibility for all costs in excess of the Federal cost limitation of \$7M.
- ✍ ✍ Provide guidance and leadership in preventing unwise future development of the flood plain by use of appropriate flood plain management techniques to reduce flood losses.
- ✍ ✍ Provide cash contribution of 5 percent of the project cost.
- ✍ ✍ If the value of the sponsor's contribution above does not equal or exceed 35 percent of the project, provide cash contribution to make the sponsors total contribution equal to 36 percent.

## Flood Control Projects

### Section 205 of the 1948 Flood Control Act,

### Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent, and source of flooding and provide any other available information such as number of structures flooded, estimated dollar damage, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, undertake an investigation of flooding problems under the authority of Section 205 of the Flood Control Act of 1948, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our objective will be to proceed with construction. We are capable of fulfilling our financial obligations for construction, operation and maintenance, in general, providing a minimum of 35 percent of the total project costs, including furnished lands, easements, rights-of-way, relocations, and disposal areas. We are also aware that responsibilities of both the Corps of Engineers and the (Local entity) will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

(Local Official)



## Emergency Streambank & Shoreline Protection Section 14 of the 1946 Flood Control Act

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### Authority and Scope

Section 14 of the 1946 Flood Control Act provides authority for the Corps of Engineers to develop and construct emergency streambank and shoreline protection projects to prevent erosion damages to endangered highways, highway bridge approaches, public work facilities such as water and sewer lines, churches, public and private non-profit schools and hospitals, and other non-profit public facilities. Each project is limited to a Federal cost of \$1M.

### How to Request Assistance

An investigation of a prospective emergency streambank or shoreline project under Section 14 can be initiated upon receipt of a request from a sponsoring agency empowered under state law to provide required local cooperation. A sample letter requesting a study is enclosed.

### Cash Contribution

The sponsor must contribute in cash 5 percent of the total project cost. If the value of lands, easements, rights-of-way, relocations and disposal areas plus the cash contribution do not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsors total contribution equals 35 percent of the project cost.

### Local Cooperation

Formal assurance of local cooperation is generated through a Project Cooperation Agreement (PCA), which must be executed with the non-Federal sponsoring agency. The non-Federal sponsor must be a municipality or public agency fully authorized under state laws to give such assurances and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- ✍✍ Provide without cost to the United States all necessary lands, easements, rights-of-way, relocations and disposal areas necessary for project construction and subsequent operation and maintenance.
- ✍✍ Hold and save the United States free from claims for damages, which may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
- ✍✍ Assume the full responsibility of all project costs in excess of the federal cost limitation of \$1M.
- ✍✍ Assure maintenance and repair during the useful life of the works as required to serve the project's intended purpose.
- ✍✍ Provide cash contribution of 5 percent of the project cost.
- ✍✍ If the value of the sponsor's contribution above does not equal or exceed 35 percent of the project cost, provide cash contribution to make the sponsor's total contributions equal 35 percent.

# Emergency Streambank and Shoreline Protection Section 14 of the 1946 Flood Control Act Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent, and source of problem and provide any other available information such as structures threatened, estimated impacts if failure occurs, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, undertake an investigation of this streambank erosion problem under the authority of Section 14 of the Flood Control Act of 1946, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the Planning and Design Analysis (PDA) would be initially 100 percent federally funded. If the total cost does not exceed \$40,000 the PDA will be accomplished at full Federal expense. Any PDA costs over \$40,000 are considered part of project implementation, and the sponsor's share will be recovered during project construction, as a part of total project cost. If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that our own and the responsibilities of the Corps of Engineers will be delineated in a Project Cooperation Agreement (PCA), which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely

(Local Official)

## **Snagging and Clearing for Flood Control**

### **Section 208 of the 1954 Flood Control Act**

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#### **Authority and Scope**

Section 208 of the 1954 Flood Control Act provides authority for the Corps of Engineers to make improvements for flood control by removing accumulated snags and other debris, and clearing and straightening of the channels in streams in the interest of flood control. Each project is limited to a Federal cost at not more than \$500,000. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

#### **How to Request Assistance**

The Corps can initiate an investigation of a small snagging and clearing project upon receipt of a request from a prospective sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

#### **Cash Contribution**

Costs for such projects are shared in the same way as for small flood control projects.

#### **Local Cooperation**

Local cooperation required for these projects are the same as for small flood control projects.

## Snagging & Clearing for Flood Control Section 208 of the 1954 Flood Control Act Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent, and source of problem and provide any other available information such as estimated dollar damage, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, undertake an investigation of flooding problems under the authority of Section 208 of the Flood Control Act of 1954, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the Planning and Design Analysis (PDA) would be initially 100 percent federally funded. If the total cost does not exceed \$40,000, the PDA will be accomplished at full Federal expense. Any PDA costs over \$40,000 are considered part of project implementation, and the sponsor's share will be recovered during project construction, as a part of total project cost. If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both our own and Corps of Engineers' responsibilities will be delineated in a Project Cooperation Agreement (PCA), which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely

(Local Official)

# Small Navigation Projects

## Section 107 of the 1960 River and Harbor Act

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### Authority and Scope

Section 107 of the River and Harbor Act of 1960, as amended, provides authority for the Corps of Engineers to develop and construct small navigation projects. The Corps adopts a project for construction after detailed investigation clearly shows the engineering feasibility and economic justification of the improvement. Each project is limited to a Federal cost of not more than \$4M. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision and administration.

### How to Request Assistance

The Corps can initiate an investigation of a small project upon receipt of a request from a prospective sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

### Division of Work Responsibility

The Federal project can provide only general navigation facilities. These may include a safe entrance channel protected by breakwaters or jetties if needed; anchorage basin; turning basin; and a major access channel leading to the anchorage basin or locally provided berthing area. General navigation facilities are constructed and maintained by the Corps of Engineers. Construction and maintenance of docks, landings, piers, berthing and fleeting areas, boat stalls, slips, mooring facilities, launching ramps, access roads, parking areas, and interior access channels needed for maneuvering into berths, are entirely a local responsibility, provided at non-federal expense. The project sponsor also provides all lands, easements, rights-of-way, relocations, and dredged material disposal areas including dikes, alterations, as well as all servicing facilities, including policing and other services. The project sponsor must also assure availability of a public landing or wharf.

### Cost Sharing

The project sponsor must pay 20% of the cost of the general navigation facilities costs. Ten percent of the general navigation facilities costs must be paid during construction. The sponsor may also pay the additional 10 percent of the general navigation facilities costs over a 30-year period with interest; the value of lands, easements, rights-of-way, relocations, and disposal areas shall be credited toward this payment.

### Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurances and financially capable of fulfilling all measures of local cooperation.

### The sponsoring agency must normally agree to:

- ✍✍ Contribute in cash the local share of project construction cost, determined in accordance with existing policies.
- ✍✍ Provide, maintain and operate without cost to the United States any adequate public landing or wharf with provisions for the same of motor fuel lubricants and potable water open and available to the use of all on equal terms.
- ✍✍ Provide without cost to the United States all necessary lands, easements, rights-of-way, relocations and disposal areas required for construction and subsequent maintenance of the project, including suitable dredged material disposal areas with any necessary retaining dikes, bulkheads and embankments.
- ✍✍ Hold and save the United States free from damages that may result from construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.

- ✍✍ Accomplish without cost to the United States alterations and relocations as required in sewer, water supply, drainage and other utility facilities.
- ✍✍ Provide and maintain berthing and fleeting areas, floats, piers, slips and similar marina and mooring facilities as needed for transient and local vessels as well as necessary access roads, parking areas and other needed public-use shore facilities open and available to all on equal terms. (Only minimum basic facilities and services are required as part of the project. The actual scope or extent of facilities and services provided over and above the required minimum is a matter for local decision. The manner of financing such facilities and services is a local determination.)
- ✍✍ Assume full responsibility for all project costs in excess of the Federal cost limitation of \$4M.
- ✍✍ Establish regulations prohibiting discharge of untreated sewage, garbage and other pollutants to the waters of the harbor. The regulations shall be in accordance with applicable laws and regulations of Federal, state and local authorities responsible for pollution prevention and control.



## Small Navigation Projects

### Section 107 of the 1960 River and Harbor Act

### Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent, and source of interest in navigation needs and provide any other available information justifying those needs.)

I request that the U.S. Army Corps of Engineers, Detroit District, undertake an investigation of a port at (location), under the authority of Section 107 of the River and Harbor Act of 1960. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our objective will be to proceed with construction. We are capable of fulfilling our financial obligations for construction and operation and maintenance: in general, providing a minimum of 20 percent of the construction cost for the general navigation facilities including furnishing lands, easements, rights-of-way, relocations, dredge material disposal areas, and berthing and fleeting areas. We are also aware that both our own and the Corps of Engineers responsibilities will be delineated in the Project Cooperation Agreement (PCA), which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely

(Local Official)

# Small Hurricane and Storm Damage Reduction Projects (Beach Erosion), Section 103 of the 1962 River and Harbor Act

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## Authority and Scope

Section 103 of the 1962 River and Harbor Act, as amended, provides authority for the Corps of Engineers to develop and construct small hurricane and storm damage reduction projects. The Corps adopts a project for construction after detailed investigation clearly shows the engineering feasibility and economic justification of the improvement. Each project is limited to a Federal cost of \$3M. This Federal cost limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

## How to Request Assistance

The Corps can initiate an investigation of a small project upon receipt of a request from a prospective sponsoring agency fully empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

## Division of Work Responsibility

The Federal hurricane and storm damage project may protect multiple public or private properties and facilities or a single non-Federal public property against damages caused by storm driven waves and ocean currents. Hurricane and storm damage reduction projects may consist of placement of sand on the beach or construction of revetments, seawalls, groins, or jetties. The Corps would oversee project construction. Maintenance and operation of the project would be the responsibility of the local sponsor. The project sponsor must also provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project.

## Cost Sharing

Federal participation in small hurricane and storm damage reduction projects is based on shoreline ownership, shore use, and type of benefits generated by the project. Costs assigned to Federally owned shores are 100% Federal. Costs assigned to privately owned and privately used shores is 100% non-Federal. Costs assigned to prevention of damage to privately owned and publicly used lands and to publicly owned lands are shared 65% Federal and 35% non-Federal. Costs assigned to non-Federal public lands used for parks and recreation purposes are shared 50% Federal and 50% non-Federal. The value of lands, easements, rights-of-way, relocations, and disposal areas are credited toward these payments. Hurricane and storm damage reduction policies continue to undergo revisions by the Congress and the Administration. Accordingly, the Federal and non-Federal responsibilities and costs are subject to change.

## Local Cooperation

Formal assurance of local cooperation via a Project Cooperation Agreement (PCA) must be executed with the sponsoring agency. The local sponsor must be a municipality or public agency fully authorized under state laws to give such assurance and financially capable of fulfilling all measures of local cooperation. The sponsoring agency must normally agree to:

- ✍✍ Provide without cost to the United States all lands, easements, rights-of-way, relocation, and disposal areas necessary for the construction and subsequent operation and maintenance of the project.
- ✍✍ Contribute cash during project construction the appropriate percentage of project costs based on shore ownership and use. Credit will be given for the value of lands, easements, rights-of-way, relocations, and disposal areas.
- ✍✍ Hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.
- ✍✍ Maintain and operate the project works after completion without cost to the United States in accordance with applicable Federal and state laws.

- ✍✍ Maintain public ownership and public use of the shore upon which the Federal participation is based.
- ✍✍ Provide and maintain necessary access roads, parking areas, and other public use facilities open and available to all on equal terms.
- ✍✍ Assume responsibility for all costs in excess of the Federal cost limitation of \$2M.

## Small Hurricane and Storm Damage Reduction Projects (Beach Erosion) Section 103 of the 1962 River and Harbor Act Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent of storm damages and provide any other available information such as number of structures damaged, estimated dollar damage, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, undertake an investigation of flooding problems under the authority of Section 103 of the River and Harbor Act of 1962, as amended. (Local official government entity) is willing to serve as the study sponsor.

I understand that the study would be Federally financed and 100 percent Federally funded to the limit of \$100,000. If the total cost of the study exceeds \$100,000, I understand that remaining study costs will be shared equally between the Corps and (local government entity). If studies indicate a viable solution, our mutual objective will be to proceed with construction within 12 months of initiating the PDA. We are capable of fulfilling our financial obligations; in general, providing a minimum of 35 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that both our own and the responsibilities of the Corps of Engineers will be delineated in a Project Cooperation Agreement (PCA), which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

(Local Official)

# Mitigation of Shore Damage Attributable to Federal Navigation Work, Section 111 of the 1968 River & Harbor Act

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## Authority and Scope

Section 111 of the 1968 River and Harbor Act provides authority for the Corps of Engineers to develop and construct projects for prevention or mitigation of damages caused by Federal navigation work. This applies to both publicly and privately owned shores located along the coastal shorelines of the United States. Each project is limited to a Federal cost of not more than \$5M.

## How to Request Assistance

The Corps can initiate an investigation of a prospective mitigation of damages project upon receipt of a request from a sponsoring agency empowered under state law to provide the required local cooperation. A sample letter requesting a study is enclosed.

## Limitations of Authority

This authority may not be used for the following purposes:

- ✍✍ To construct works for prevention or mitigation of shore damage caused by riverbank erosion or vessel-generated wave wash.
- ✍✍ To prevent or mitigate shore damage caused by non-Federal navigation projects.

## Criteria for a Favorable Recommendation

A recommendation to construct a project to prevent or mitigate shore damage attributable to a Federal navigation project may be considered when both of the following conditions exist:

- ✍✍ The navigation project has been determined to be the cause of the damage, and abandonment of the navigation project is not the most viable solution.
- ✍✍ Analysis based on sound engineering and economic principles clearly demonstrates the feasibility of the proposed work.

## Cost Sharing – Construction

Requirements for Federal cost sharing are as follows:

- ✍✍ If the work recommended is confined to mitigation work where erosion is totally attributable to the Federal navigation works, costs are shared in the same manner as the project causing the erosion or shoaling.
- ✍✍ If the work recommended is a combination of mitigation and restoration of beaches eroded due to other causes, mitigation work will be shared in the same manner as the project causing the erosion or shoaling and the remaining work will be 100 percent local, unless it qualifies as a Federal beach erosion control project.

# Mitigation of Shore Damage Attributable to Federal Navigation Work

## Section 111 of the 1968 River and Harbor Act

### Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

In accordance with the provisions of Section 111 of the River and Harbor Act of 1968, as amended, which authorizes the Federal government to initiate investigations and studies in the interest of mitigation of shore damage attributable to Federal Navigation work, the (Local official government entity) hereby makes formal application for a study of (waterway, county, state). (Briefly discuss need for study and nature, extent, and source of problem and provide any other available information such as estimated impacts if failure occurs. etc.)

The investigation will be conducted in one planning phase; the feasibility phase, which would initially be funded by the Corps of Engineers. However, should the total cost of this planning phase exceed \$100,000, the (Local official government entity) can provide 50% of the cost above the initial \$100,000. Should the project proceed to construction, the (Local official government entity) can provide the following local cooperation and participation.

1. Provide without cost to the United States all lands, easements, rights-of-way, and utility and facility alterations and relocations required for construction of the project.
2. Hold and save the Government free from damages due to the construction, operation, and maintenance of the project, except damages due to the fault or negligence of the Government or its contractors.
3. Operate, maintain and rehabilitate the project upon completion without cost to the Government, in accordance with regulations and directives prescribed by the Secretary of the Army.
4. Contribute a cost for implementing the mitigation measure in the same proportion as the cost for the project causing the shore damage.
5. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$5M.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

Local Official



# Project Modifications for Improvements to the Environment

## Section 1135 of the 1986 Water Resources Development Act

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### Authority and Scope

Section 1135 of the 1986 Water Resources Development Act, as amended, provides authority for the Corps of Engineers to restore degraded ecosystems resulting from a previous Corps project. If the construction or operation of a Corps of Engineers project has contributed to the degradation of the quality of the environment, measures for restoration through modifications of the structure or operation of the structure may be undertaken at the project site. Measures at other locations that have been affected by the construction or operation of the project can be undertaken, if such measures do not conflict with the authorized project purposes.

### How to Request Assistance

An environmental improvement project under Section 1135 can be initiated upon receipt of a request from a prospective local sponsor. A sample letter requesting a study is enclosed.

### Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas plus the cash contribution is less than 25 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsors total contribution equals 25 percent of the project cost.

### Local Cooperation

Formal assurance of local cooperation (PCA) must be executed with the local sponsoring agency. The sponsoring agency must normally agree to:

- ✍✍ Provide without cost to the United States all lands, easements rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.
- ✍✍ Maintain and operate the project after completion without cost to the United States.
- ✍✍ "Work-in-kind" contributions from the sponsor may be acceptable with a limit of no more than 80 percent of the non-Federal share
- ✍✍ If the value of the sponsor's contribution above does not equal or exceed 25 percent of the project cost, provide cash contribution to make the sponsor's total contributions equal to 25 percent.

# Project Modifications for Improvements to the Environment

## Section 1135 of the 1986 Water Resources Development Act

### Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss need for study and nature, extent, and Corps project's relationship to the problem and provide any other available information such as species impacted, magnitude of impact, ecological significance, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, investigate this degrading ecosystem under the authority of Section 1135 of the Water Resources Development Act of 1986, as amended. (Local sponsor) is willing to serve as the non-Federal sponsor.

I understand that non-Federal cost sharing will be required for the Project Modification Report, plans and specifications, and project construction. We are capable of fulfilling our financial obligations; in general, providing 25 percent of the total project cost which includes furnishing lands, easements, rights-of-way, relocations, and disposal areas, and we will operate and maintain the project upon completion. We are also aware that our own and the responsibilities of the Corps of Engineers will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

(Local Official)

# Ecosystem Restoration Projects in Connection with Dredging

## Section 204 of the 1992 Water Resources Development Act

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### Authority and Scope

Section 204 of the 1992 Water Resources Development Act, as amended, provides authority for the Corps of Engineers to restore, protect, and create aquatic and wetland habitats in connection with construction or maintenance dredging of an authorized project.

### How to Request Assistance

Investigations of an environmental improvement project under Section 204 can be initiated upon receipt of a request from a prospective sponsoring agency. A sample letter requesting a study is enclosed.

### Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas (LERRDS) plus the cash contribution does not equal or exceed 25 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 25 percent of the project cost. Local expenditures in excess of the 25 percent contribution will be reimbursed.

### Local Cooperation

Formal assurance of local cooperation must be furnished by a local sponsoring agency. The sponsoring agency must normally agree to:

- ✍✍ Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.
- ✍✍ Maintain and operate the project after completion without cost to the United States.
- ✍✍ If the value of the sponsor's contribution above does not exceed 25 percent of the project cost, provide cash contribution to make the sponsor's total contributions equal to 25 percent.

# Ecosystem Restoration Projects in Connection with Dredging Section 204 of the 1992 Water Resources Development Act Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss nature, extent, and source of problem and provide any other available information such as species impacted, magnitude of impact, ecological significance, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, investigate this degrading ecosystem under the authority of Section 204 of the Water Resources Development Act of 1992, as amended. (Local sponsor) is willing to serve as the local sponsor.

I understand that the Initial Appraisal Report would be 100 percent Federally funded and if studies indicate a viable solution, non-Federal cost sharing would be required for the Feasibility Report, plans and specifications, and project construction. We are capable of fulfilling our financial obligations; in general, providing a minimum of 25 percent of the total project costs, including furnishing lands, easements, rights-of-way, relocations, and disposal areas. We will operate and maintain the project upon completion. We are also aware that both our own and the Corps of Engineers' responsibilities will be delineated in the Project Cooperation Agreement, which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

(Local Official)

# Aquatic Ecosystem Restoration & Protection

## Section 206 of the 1996 Water Resources Development Act

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### Authority and Scope

Section 206 of the 1996 Water Resources Development Act provides authority for the Corps of Engineers to restore degraded aquatic ecosystems. A restoration project is adopted for construction only after investigation shows that the restoration will improve the environment, is in the public interest, and is cost-effective. Each project is limited to a Federal cost of not more than \$5M. This Federal limitation includes all project-related costs for feasibility studies, planning, engineering, construction, supervision, and administration.

### How to Request Assistance

An aquatic restoration project under Section 206 can be initiated upon receipt of a written request from a prospective local sponsor. A sample letter requesting a study is enclosed.

### Cash Contribution

If the value of the lands, easements, rights-of-way, relocations, and disposal areas is less than 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project costs.

### Local Cooperation

Formal assurance of local cooperation a Project Cooperation Agreement (PCA) must be executed with the local sponsoring agency. The sponsoring agency must formally agree to:

- ✍✍ Provide without cost to the United States all lands, easements, rights-of-way, relocations and disposal areas necessary for the construction and subsequent maintenance of the project.
- ✍✍ Maintain and operate the project after completion without cost to the United States.
- ✍✍ The entire local sponsors share of project costs may be provided as "Work-in-kind" contributions. Credit for work-in-kind may not result in any reimbursement to the local sponsor.
- ✍✍ If the value of the sponsor's contribution is less than 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project costs.

# Aquatic Ecosystem Restoration & Protection

## Section 206 of the 1996 Water Resources Development Act

### Sample Letter of Application

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

(Briefly discuss nature, extent, and Corps project's relationship to the problem and provide any other available information such as species impacted, magnitude of impact, ecological significance, etc.)

I request that the U.S. Army Corps of Engineers, Detroit District, investigate this degrading ecosystem under the authority of Section 206 of the Water Resources Development Act of 1996, as amended. (Local sponsor) is willing to serve as the non-Federal sponsor.

I understand that non-Federal cost sharing will be required for the Ecosystem Restoration Report, plans and specifications, and project construction. We are capable of fulfilling our financial obligations; in general, providing 35 percent of the total project costs which includes furnishing lands, easements, rights-of-way, relocations, and disposal areas. We will operate and maintain the project upon completion. We are also aware that both our own and the Corps of Engineers responsibilities will be delineated in a Project Cooperation Agreement (PCA), which both parties will execute before construction commences.

If you need additional information, please contact: (designee) at (telephone number)

Sincerely,

(Local Official)

# Flood Plain Management Services (FPMS)

## Section 206 of the Flood Control Act of 1960, as amended

### Authority, Objective, and Scope:

The FPMS program authority is provided by Section 206 of the Flood Control Act of 1960, as amended. Its objective is to foster public understanding of the options for dealing with flood hazards and to promote prudent use and management of the Nation's flood plains.

Land use adjustments based on proper planning and the employment of techniques for reducing flood damages provide a rational way to balance the advantages and disadvantages of human settlement on flood plains. These adjustments are the key to sound flood plain management.

### Types of Assistance:

✂✂ **General Technical Services:** The program develops or interprets site-specific data on obstructions to flood flows, flood formulation and timing; flood depths or stages; flood-water velocities; and the extent, duration, and frequency of flooding. It also provides information on natural and cultural flood plain resources before and after the use of flood plain management measures. The FPMS Program provides the full range of technical services and planning guidance that is needed to support effective flood plain management.

✂✂ **General Planning Guidance:** On a larger scale, the program provides assistance and guidance in the form of "Special Studies" on all aspects of flood plain management planning including the possible impacts of flood plain land use changes on the physical, socioeconomic, and environmental conditions of the flood plain. This guidance can range from helping a community identify present or future flood plain areas and related problems, to a broad assessment of the various remedial measures that may be effectively used.

### Some of the most common types of Special Studies include:

- ✂✂ Flood Plain Delineation/Flood Hazard Evaluation Studies Dam Break Analysis Studies
- ✂✂ Hurricane Evacuation Studies
- ✂✂ Flood Warning/Preparedness Studies
- ✂✂ Regulatory Floodway Studies
- ✂✂ Comprehensive Flood Plain Management Studies
- ✂✂ Flood Damage Reduction Studies
- ✂✂ Urbanization Impact Studies
- ✂✂ Storm Water Management Studies
- ✂✂ Flood Proofing Studies
- ✂✂ Inventory of Flood Prone Structures

The FPMS program also provides guidance and assistance for meeting the standards of the National Flood Insurance Program and for conducting workshops and seminars on non-structural flood plain management measures, such as flood proofing.

✂✂ **Guides, Pamphlets, and Supporting Studies:** Studies are conducted under the program to improve the methods and procedures for mitigating flood damages. Guides and pamphlets are also prepared on flood proofing techniques, flood plain occupancy natural flood plain resources, and other related aspects of flood plain management.

The study findings, the guides and pamphlets are provided free-of-charge to Federal agencies, Indian Tribes, State, regional, and local governments as well as private citizens for their use in addressing flood hazards.

### Charges for Assistance

Upon request, program services are provided to State, regional, and local governments, Indian Tribes, and other non-Federal public agencies without charge.

Program services also are offered to non-water resource Federal agencies and to the private sector, on a 100% cost recovery basis. For most of these requests, payment is required before services are provided. A schedule of charges is used to recover the cost of services taking up to one day to provide. Letter requests or signed agreements are used to charge for those services that take longer.

All requestors are encouraged to furnish available field survey data, maps, historical flood information, etc., to help reduce the cost of services.

### **How to Request Assistance**

Agencies, city, state and county governments, organizations, and individuals interested in flood-related information or related assistance should call the Detroit District's FPMS Program Coordinator at (313) 226- 6763, or E-mail **Planning@LRE02.usace.army.mil**, or write to the address provided in the following sample letter request.

Information that is readily available will be provided in response to a telephone request. A letter request is required for assistance that involves developing new data, making a map, or preparing a report.



# **Flood Plain Management Services (FPMS)**

## **Section 206 of the Flood Control Act of 1960, as amended**

### **Sample Letter of Application**

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U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

This letter refers to your Flood Plain Management Services Program. We understand that Section 206 of the Flood Control Act of 1960, as amended, authorizes the U.S. Army Corps of Engineers to help others mitigate flood losses. The (requesting agency or private entity) requests assistance for (body of water or waterway), located in (City, and / or County and State).

(Add brief paragraph describing problem or need).

Property descriptions, (site plans, maps anti/or photographs) are enclosed. Upon your review of this initial request, we would like to discuss the availability of information, required schedule, and level of effort required (to negotiate the appropriate charge if applicable). Please contact (Name, title, phone number) to arrange a further discussion of this request.

Signature of Cooperating Agency or Individual

# Planning Assistance to States Authority and Scope Section 22 of the Water Resources Development Act (WRDA) of 1974, as amended

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## Authority

Planning Assistance to States Authority and Scope Section 22 of the Water Resources Development Act (WRDA) of 1974, as amended, provides authority for the Corps of Engineers to assist the States, local governments, and other non-Federal entities in the preparation of comprehensive plans for the development, use, and conservation of water and related land resources. Section 208 of the WRDA of 1992 amended the WRDA of 1974 to include Native American Tribes as equivalent to a State.

## Funding

The Planning Assistance to States (PAS) Program is funded annually by Congressional Authorization. Federal allotments for each State or Tribe from the nation-wide appropriation are limited to \$500,000 annually, but typically are much less. Individual studies, of which there may be more than one per State or Tribe per year, generally cost \$25,000 to \$75,000. These studies are cost shared on a 50 percent Federal - 50 percent non-Federal basis.

## Program Development

The planning assistance required under this program is determined by the individual States and Tribes. Each year States and Indian Tribes may provide requests to the Corps of Engineers request for studies under the program. The Corps then accommodates as many studies as possible within the annual funding allotment. Typical studies are only accomplished to the planning level of detail; they do not include detailed design for project construction. The studies generally involve analysis of existing data for planning purposes using standard engineering techniques, although some data collection is often necessary. Most studies become the basis for State, Tribal or local planning decisions. To assist in expediting a request for Planning Assistance to States, a sample letter and Sample Cost Sharing Agreement are included on the following pages.

## Typical Studies


The program encompasses many types of studies dealing with water resources issues. Types of studies conducted in recent years under the PAS program include the following:

- ✍✍•Water Supply and Demand Studies
- ✍✍•Water Quality Studies
- ✍✍•Environmental Conservation Restoration Studies
- ✍✍•Wetlands Evaluation Studies
- ✍✍•Dam Safety/Failure Studies
- ✍✍•Flood Damage Reduction Studies
- ✍✍•Flood Plain Management Studies
- ✍✍•Coastal Zone Management/Protection Studies
- ✍✍Harbor/Port Studies

## How to Request Assistance

State, local government, and Tribal officials interested in obtaining planning assistance under the PAS program may contact the Detroit District's PAS Coordinator (313) 226- 6773, or email to **Planning@LRE02.usace.army.mil**. Applicants may also write to the address provided in the following sample letter of request.

## Planning Assistance to States, section 22 of the Water Resources Development Act (WRDA) of 1974, as amended Sample Letter of Application



U.S. Army Corps of Engineers  
Detroit District  
Attention: District Engineer (CELRE- DE)  
477 Michigan Avenue  
Detroit Michigan 48226-2575

Dear Sir/Madame:

This is in reference to the Corps of Engineers' Planning Assistance to States Program. We understand that the provisions of Section 22 of the Water Resources Development Act of 1974, as amended, provide authority for the Corps to assist in the preparation of comprehensive plans for the development, use and conservation of water and related land resources. The (name of State, Indian Tribe, local government or other non-Federal entity) requests planning assistance concerning (briefly describe problem or need, including if appropriate, the name of the body of water or waterway, and City, and /or County and State).

We would like to discuss the availability of information, required schedule, and level of effort required in order to negotiate a cost-sharing agreement to initiate a Section 22 study. Please contact (Name, title, phone number) to arrange a further discussion of this request.

(Signature of Cooperating Agency)

**SAMPLE COST SHARING AGREEMENT  
FOR  
PLANNING ASSISTANCE BETWEEN  
THE U.S. ARMY CORPS OF ENGINEERS  
AND  
(SPONSOR'S NAME)**

THIS AGREEMENT, entered into this day of \_\_\_\_\_, 200\_, by and between the United States of America (hereinafter called the "Government"), represented by the Contracting Officer executing this Agreement, and (Name of the Requesting State entity or Tribe) (hereinafter called the "Sponsor").

WITNESSETH, that

WHEREAS, the Congress has authorized the Corps of Engineers in Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) as amended to assist the States in the preparation of comprehensive plans for the development, utilization and conservation of water and related resources: and whereas, Section 319 of the Water Resources Development Act of 1990 (Public Law 101-640) authorized the Government to collect from non-Federal entities fees for the purpose of recovering fifty (50) percent of the cost of the program; and,

WHEREAS, the Sponsor has reviewed the State's comprehensive water plans and identified the need for the planning assistance as described in a Scope of Studies: (Name of the study which is described in Appendix A), incorporated into this agreement; and

WHEREAS, the Sponsor has the authority and capability to furnish the cooperation hereinafter set forth and is willing to participate in study cost-sharing and financing in accordance with the terms of this agreement;

NOW THEREFORE, the parties agree as follows:

1. The Government, using funds contributed by the Sponsor and appropriated by the Congress, shall expeditiously prosecute and complete the Study, estimate to be completed within twelve (12) months, substantially in compliance with the Scope of Studies attached as Appendix A and in conformity with applicable Federal laws and regulations and mutually acceptable standards of engineering practice.
2. The Government and the Sponsor shall contribute in cash, fifty (50) percent, respectively, of all study costs, the total cost of which is currently estimated to be \$ \_\_\_\_\_, as specified in the cost estimate attached as Appendix B. The Sponsor agrees to provide a cashier or certified check in the amount of \$ \_\_\_\_\_ which shall be made payable to FAO, USAED, (Detroit District), prior to any work being performed under this Agreement.
3. No Federal funds may be used to meet the local Sponsor's share of study costs under this Agreement unless the expenditure of such funds is expressly authorized by statute as verified by the granting agency.
4. Before any Party to the Agreement may bring suit in any court concerning any issue relating to this Agreement, such Party must first seek in good faith to resolve the issue through negotiation or another form of non-binding alternate dispute resolution mutually acceptable to the Parties.
5. In the event that any one or more of the provisions of this Agreement is found to be invalid, illegal, or unenforceable, by a court of competent jurisdiction, the validity of the remaining provisions shall not in any way be affected or impaired and shall continue in effect until the Agreement is completed.
6. This Agreement shall become effective upon the signature of both Parties.

**For the Sponsor:**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**For the Corps:**

By: \_\_\_\_\_  
Colonel, Corps of Engineers  
Title: District Engineer, Detroit District  
Date: \_\_\_\_\_

# Worldwide Web Links for Further Information

*Copy and paste the web address (blue/underlined address) into an active web browser and click “go”.*

## **Detroit District, U.S. Army Corps of Engineers Handy Web Links:**

Main Page: <http://www.lre.usace.army.mil/>  
Locate Us: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1377](http://www.lre.usace.army.mil/index.cfm?chn_id=1377)  
Project & Studies Information: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1433](http://www.lre.usace.army.mil/index.cfm?chn_id=1433)  
Great Lakes Information: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1484](http://www.lre.usace.army.mil/index.cfm?chn_id=1484)  
Business Information Center: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=2007](http://www.lre.usace.army.mil/index.cfm?chn_id=2007)  
Detroit District Employment: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1926](http://www.lre.usace.army.mil/index.cfm?chn_id=1926)  
Detroit District “Corps Kids”: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1998](http://www.lre.usace.army.mil/index.cfm?chn_id=1998)  
Contact Us: [http://www.lre.usace.army.mil/index.cfm?chn\\_id=1976](http://www.lre.usace.army.mil/index.cfm?chn_id=1976)

U.S. Army Corps of Engineers, Directorate of Civil Works (Planning & Policy)  
[http://www.usace.army.mil/inet/functions/cw/cecwp/cecwp\\_temp/cap.htm](http://www.usace.army.mil/inet/functions/cw/cecwp/cecwp_temp/cap.htm)

U.S. Army Corps of Engineers, Sample Cooperative Projects Agreements  
[http://www.usace.army.mil/civilworks/cecwp/branches/policy\\_compliance/ccpca.htm](http://www.usace.army.mil/civilworks/cecwp/branches/policy_compliance/ccpca.htm)

Presentations and Proceedings from Continuing Authorities Program Conference, August 2003  
[http://www.wes.army.mil/el/emrrp/emris/emrishelp6/meetings\\_and\\_conferences\\_training.htm](http://www.wes.army.mil/el/emrrp/emris/emrishelp6/meetings_and_conferences_training.htm)

“The Corps Can Help” Information Brochure concerning Continuing Authorities Programs  
<http://www.swl.usace.army.mil/planning/PERbrochure.pdf>

U.S. Army Corps of Engineers Environmental Operating Principles:  
<http://www.hq.usace.army.mil/cepa/envprinciples.htm>

U.S. Army Corps of Engineers Reference Library:  
<http://www.usace.army.mil/search.html#Libraries>

Search Official Corps of Engineers Publications:  
<http://www.usace.army.mil/search.html#Publications>

U.S. Army Corps of Engineers Education Center:  
<http://education.wes.army.mil/>

USACE Flood Plain Management Services Information  
<http://www.usace.army.mil/inet/functions/cw/cwfpms/fpms.htm>

USACE Planning Assistance to States Information  
<http://www.usace.army.mil/inet/functions/cw/cwfpms/pas.htm>

USACE National Flood Proofing Committee Information  
<http://www.usace.army.mil/inet/functions/cw/cwfpms/nfpc.htm>

Catalogue of Federal Assistance (Flood Plain Management Services)  
<http://www.cfda.gov/public/viewprog.asp?progid=244>

Catalogue of Federal Assistance (Planning Assistance to States)  
<http://www.cfda.gov/public/viewprog.asp?progid=250>